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10/825,272	04/15/2004	Lise King	KING-5 (CIP)	7915
25889	7590	11/07/2005	EXAMINER	
WILLIAM COLLARD COLLARD & ROE, P.C. 1077 NORTHERN BOULEVARD ROSLYN, NY 11576			VALENTI, ANDREA M	
			ART UNIT	PAPER NUMBER
			3643	

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/825,272

Applicant(s)

KING, LISE

Examiner

Andrea M. Valenti

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 September 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

Claim 1 is objected to because of the following informalities:

Claim 1, line 1, "previously presented" should be --amended--. Applicant has currently amended this claim, but has not underlined all of the material that was added e.g. section a) ii) has several additional limitations presented that have not been underlined.

Claim 1, section a) ii), line 5, "in to a rear" should be --at a rear--

Claim 1, section b) vi), line 4, "of the frame components" should be --of the hoop portions--

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over of U.S. Patent No. 3,174,768 to Sanders et al in view of U.S. Patent No. 5,335,618 to Zarola and U.S. Patent No. 2,538,778 to Halpin.

Claim 1, Sanders teaches a pet stroller comprising: a) a frame comprising; i) a bottom section (Sanders 24 and 25), a plurality of rails comprising a first set of substantially vertical rear rails (Sanders Fig. 1 #20) and a second set of substantially

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curved rails (Sanders Fig. 1 #22 and Fig. 2 #30) coupled to said bottom section at a front portion of the frame and coupled to said substantially vertical rails (Sanders in to a rear portion of the frame, iii) a handle (Sanders #14) disposed on said frame, iv) a plurality of wheels (Sanders #15 and 16) rotatably secured to said frame. Sanders teaches a cart for transporting luggage, but is silent on the structural configuration of the luggage. However, Zarola teaches a pet enclosure structural configuration, that wherein said enclosure is mounted in said frame by placing said enclosure on said bottom section of said frame and wherein when said enclosure is put on said bottom section it is disposed between said wheels and wherein at least a portion of said enclosure is disposed below a top portion of said wheels (Sanders Fig. 1, when placed on #24 it is between and below the top portion of wheels #15). Sanders teaches that the cart is used to carry luggage and Zarola teaches that the enclosure is for traveling with pets (Zarola Col. 1 line 13 and Col. 2 line 50). It would have been obvious to one of ordinary skill in the art to modify the teachings of Sanders with the teachings of Zarola at the time of the invention since the modification is merely the selection of a piece of luggage modified to reduce the burden and accommodate those people traveling with pets.

Zarola teaches an enclosure comprising; i) an enclosure frame forming a bottom section (Zarola #13 and #72) of said enclosure, an outer section (Zarola #14) of said enclosure, and a plurality of end sections (Zarola #20 and 22) of said enclosure, said enclosure frame comprising a plurality of semicircular hoop portions (Zarola Col. 3 line 41-43; #30 and 72) and a plurality of crossbars; ii) a flexible netting material (Zarola

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Col. 4 line 37) secured to said enclosure frame and covering said outer section of said enclosure iv) at least one door (Zarola #23) releasably secured to at least one of said plurality of end sections of said enclosure; and a handle (Zarola #31 and 32) mounted to said enclosure for carrying said enclosure; at least one fabric cover (Zarola Col. 3 line 30-32; Fig. 2 teaches the fabric cover covering at least one half of the length and Zarola is adjustable so at times it inherently will be covering half of the length) covering approximately one half of the length of said enclosure and over at least a portion of said netting, said fabric cover (Zarola Fig. 2 #28 and 30) being mounted over at least two of the frame components; vii) at least two handles (Zarola #31 and 32) with at least one handle extending over said fabric (Zarola Fig. 2) covered region.

Sanders as modified by Zarola is silent on at least one handle extending over said region covered by said netting. However, it would have been obvious to one of ordinary skill in the art to modify the teachings of Sanders and Zarola at the time of the invention since the modification is merely the duplication of a known element for a multiple effect to facilitate ease of carrying or repositioning of the device when in an extended orientation as illustrated in Zarola Fig. 1.

Sanders as modified by Zarola is silent on a padded material covering the bottom section of said enclosure. However, Halpin teaches a semicircular traveling animal enclosure with a padding material covering the bottom (Halpin fig. 3 #53). It would have been obvious to one of ordinary skill in the art to further modify the teachings of Sanders as modified by Zarola with the teachings of Halpin at the time of the invention for the

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added soft comfort for the animal, or to incorporate a moisture absorbing material which can soak up sweat or urine.

Regarding Claims 2, 3, and 4, Sanders as modified by Zarola teaches a collapsible frame (Sanders inherently could be disassembled) comprises a plurality of side rails (Sanders #22 and Fig. 2 #30) secured to said bottom section (Sanders #24) and a plurality of rear rails (Sanders Fig. 3 #20) of tubing secured to said bottom section. Sanders teaches being ruggedly built of tubular material (Sanders Col. 2 line 71-72), but is silent on metal, however it would have been obvious to one of ordinary skill in the art to further modify the teachings of Sanders at the time of the invention since the modification is merely the selection of an old and notoriously well-known tubing material selected for intended use to meet certain manufacturing design cost parameters and for durability, i.e. selection of a known material for intended use [Leshin 125 USPQ 416].

Regarding Claim 5, Sanders as modified teaches said flexible material is secured to said enclosure frame with adhesive, rivets or binding (Zarola Col. 4 line 33).

Regarding Claim 6, Sanders as modified teaches netting material (Zarola Col. 4 line 37), but does not explicitly teach fish netting. However, it would have been obvious to one of ordinary skill in the art to further modify the teachings of Sanders as modified by Zarola at the time of the invention since the modification is merely the selection of a known form of netting selected as an engineering design choice to meet certain design parameters such as cost.

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Regarding Claim 7, Sanders as modified teaches said netting material is secured to said enclosure frame by rope or string which is wrapped through a hole in said netting material and around said enclosure frame (Zarola Col. 4 line 33).

Regarding Claim 8, Sanders as modified teaches a durable, water resistant material disposed on a portion of said outer section of said enclosure (Zarola Col. 3 line 44).

Regarding Claim 9, Sanders as modified teaches the durable water resistant material covers one of the end section of the enclosure (Zarola Fig. 1 #16).

Regarding Claim 10, Sanders as modified teaches a window cut in the end section that contains the water resistant material (Zarola Fig. 1 #35).

Regarding Claim 11, Sanders as modified teach a pocket located in said end section containing the water resistant material (Zarola Col. 1 line 51).

Regarding Claims 12 and 13, Sanders as modified inherently teaches that said durable water-resistant material disposed on a portion of said outer section of said enclosure covers approximately one half of the length of said enclosure (Zarola Fig. 1 #16 and #44 and since the enclosure can expand and contract to different sizes).

Regarding Claim 14, Sanders as modified does not explicitly teach that each of said plurality of wheels is comprised of rubber. However, it would have been obvious to one of ordinary skill in the art to further modify the teachings of Sanders at the time of the invention since the modification is merely the selection of a known material for intended use. It is old and notoriously well-known to use rubber tires, e.g. automobiles etc, selected for its durability and traction.

Regarding Claim 15, Sanders as modified does not explicitly teach that the wheels are removable (although the Sanders drawings appear as though the wheels are removable). However, merely making something separable is an obvious modification for one of ordinary skill in the art and does not present a patentably distinct limitation. It would have been obvious to one of ordinary skill in the art to modify the teachings of Sanders at the time of the invention for the advantage of efficient storage [*In re Dulberg*, 289 F.2d 522, 523, 129 USPQ 348, 349 (CCPA 1961)] and maintenance and repair.

Regarding Claim 16, Sanders as modified teaches the plurality of wheels comprises four wheels (Sanders 315 and 16).

Regarding Claim 17, Sanders as modified teaches a brake to stop rotation of the wheels (Sanders Col. 4 line 16).

Regarding Claim 18, Sanders as modified teaches the enclosure frame is constructed from a strong weather-proof material selected from the group consisting of aluminum, steel and heavy plastic (Zarola Col. 3 line 50).

Regarding Claim 19, Sanders as modified teaches the door is releasably secured to at least one of said plurality of end sections of said enclosure by a zipper (Zarola #23 and Col. 2 line 25).

Claims 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over of U.S. Patent No. 3,174,768 to Sanders et al in view of U.S. Patent No. 5,335,618 to Zarola.

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Claim 1, Sanders teaches a pet stroller comprising: a) a frame comprising; i) a bottom section (Sanders 24 and 25), a plurality of rails comprising a first set of substantially vertical rear rails (Sanders Fig. 1 #20) and a second set of substantially curved rails (Sanders Fig. 1 #22 and Fig. 2 #30) coupled to said bottom section at a front portion of the frame and coupled to said substantially vertical rails (Sanders in to a rear portion of the frame, iii) a handle (Sanders #14) disposed on said frame, iv) a plurality of wheels (Sanders #15 and 16) rotatably secured to said frame. Sanders teaches that the cart is used to carry luggage and Zarola teaches that the enclosure is for traveling with pets (Zarola Col. 1 line 13 and Col. 2 line 50). It would have been obvious to one of ordinary skill in the art to modify the teachings of Sanders with the teachings of Zarola at the time of the invention since the modification is merely the selection of a piece of luggage modified to reduce the burden and accommodate those people traveling with pets.

Zarola teaches an enclosure comprising; i) an enclosure frame forming a bottom section (Zarola #13 and #72) of said enclosure, an outer section (Zarola #14) of said enclosure, and a plurality of end sections (Zarola #20 and 22) of said enclosure, said enclosure frame comprising a plurality of semicircular hoop portions (Zarola Col. 3 line 41-43; #30 and 72) and a plurality of crossbars; ii) a flexible netting material (Zarola Col. 4 line 37) secured to said enclosure frame and covering said outer section of said enclosure iv) at least one door (Zarola #23) releasably secured to at least one of said plurality of end sections of said enclosure; and a handle (Zarola #31 and 32) mounted to said enclosure for carrying said enclosure; at least one fabric cover (Zarola Col. 3 line

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30-32; Fig. 2 teaches the fabric cover covering at least one half of the length and Zarola is adjustable so at times it inherently will be covering half of the length) covering approximately one half of the length of said enclosure and over at least a portion of said netting, said fabric cover (Zarola Fig. 2 #28 and 30) being mounted over at least two of the frame components; vii) at least two handles (Zarola #31 and 32) with at least one handle extending over said fabric (Zarola Fig. 2) covered region.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 3,174,768 to Sanders et al in view of U.S. Patent No. 5,335,618 to Zarola and U.S. Patent No. 2,538,778 to Halpin as applied to claims 1 above, and further in view of U.S. Patent No. 6,584,937 to Ludolph.

Regarding Claim 1, Sanders as modified by Zarola teaches an enclosure that is covered partly in fabric and partly in netting. For purpose of argument, it could also be viewed that Zarola does not explicitly teach that the fabric covers one half of the length of the enclosure. However, Ludolph teaches that it is well-known to provide half of a moving animal enclosure with a fabric and the other half with netting. It would have been obvious to one of ordinary skill in the art to further modify the teachings of Zarola with the teachings of Ludolph at the time of the invention since the modification is merely the change in size (i.e. length) to provide adequate protection for different size animals from sun and rain (Ludolph Col. 3 line 60)

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Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 3,174,768 to Sanders et al in view of U.S. Patent No. 5,335,618 to Zarola as applied to claims 20 and 21 above, and further in view of U.S. Patent No. 6,584,937 to Ludolph.

Regarding Claim 20, Sanders as modified by Zarola teaches an enclosure that is covered partly in fabric and partly in netting. For purpose of argument, it could also be viewed that Zarola does not explicitly teach that the fabric covers one half of the length of the enclosure. However, Ludolph teaches that it is well-known to provide half of a moving animal enclosure with a fabric and the other half with netting. It would have been obvious to one of ordinary skill in the art to further modify the teachings of Zarola with the teachings of Ludolph at the time of the invention since the modification is merely the change in size (i.e. length) to provide adequate protection for different size animals from sun and rain (Ludolph Col. 3 line 60)

Claims 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,335,618 to Zarola in view of U.S. Patent No. 1,561,658 to Mosier.

Regarding Claims 21 and 20, Zarola teaches an portable collapsible (Zarola Fig. 1 and Fig. 2 and Col. 1 line 5-10 and 13) enclosure frame forming a bottom section of said enclosure (Zarola #13 and #72) formed of fabric (Zarola Col. 3 line 30-32), an outer section (Zarola #14) of said enclosure, and a plurality of end sections (Zarola #20 and 22) of said enclosure, an animal (Zarola Col. 3 line 41-43) enclosure comprising

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semicircular hoop portions and cross bars (Zarola #30 and 72); flexible netting (Zarola Col. 4 line 37) material substantially covering an outer section of the enclosure (Zarola Fig. 1); at least one door (Zarola #23); and a handle (Zarola #31 and 32); a fabric cover covering one half of the length of the enclosure and coupled (i.e. attached) to at least two of the frame components (Zarola Fig. 2 teaches the fabric cover covering approximately one half of the length and Zarola is adjustable so at times it inherently will be covering half of the length), the fabric cover being mounted over at least two frame components (Zarola Fig. 2 #28 and 30).

Zarola as modified teaches that the enclosure is used for traveling, but is silent on a frame. However, Mosier teaches a stroller comprising (Mosier page 1 Line 86-69): a frame comprising (Mosier Fig.1); a bottom section (Mosier #1, 2, 3, 4), a handle (Mosier #12) disposed on said frame, a plurality of wheels rotatably secured to said frame (Mosier #5). It would have been obvious to one of ordinary skill in the art to further modify the teachings of Zarola with the teachings of Mosier at the time of the invention for the advantage of an ergonomic means of transporting the enclosure with ease while traveling (e.g. the apparatus of Zarola can merely be considered a piece of luggage that it checked at an airport) to reduce labor requirements as taught by Mosier (Mosier page 1 line 90-94).

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,335,618 to Zarola in view of U.S. Patent No. 1,561,658 to Mosier as

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applied to claims 20 and 21 above, and further in view of U.S. Patent No. 6,584,937 to Ludolph.

Regarding Claim 20, Zarola as modified teaches an enclosure that is covered partly in fabric and partly in netting. For purpose of argument, it could also be viewed that Zarola does not explicitly teach that the fabric covers one half of the length of the enclosure. However, Ludolph teaches that it is well-known to provide half of a moving animal enclosure with a fabric and the other half with netting. It would have been obvious to one of ordinary skill in the art to further modify the teachings of Zarola with the teachings of Ludolph at the time of the invention since the modification is merely the change in size (i.e. length) to provide adequate protection for different size animals from sun and rain (Ludolph Col. 3 line 60)

Claims 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,113,793 to Leader in view of U.S. Patent No. 5,335,618 to Zarola.

Regarding Claims 20 and 21, Leader teaches a pet stroller comprising (Leader Fig. 1): a frame comprising; a bottom section (Leader elements #6), a handle disposed on said frame (Leader #3), a plurality of wheels rotatably secured to said frame (Leader #10 and 8); and an enclosure comprising (Leader #2): at least one door releasably secured to at least one of said plurality of end sections of said enclosure (Leader #17); an enclosure frame forming a bottom section of said enclosure, an outer section of said enclosure, and a plurality of end sections of said enclosure.

Leader teaches placing a removable enclosure on the tray and that the enclosure can be partly covered with a fabric or partly exposed for the viewing pleasure of the animal, but is silent on the enclosure frame comprising a plurality of semicircular hoop portions and a plurality of crossbars; a flexible netting material secured to the enclosure frame outer section of said enclosure; and a handle mounted to said enclosure for carrying said enclosure. However, an animal (Zarola Col. 3 line 41-43) a portable collapsible (Zarola Col. 1 line 5-13) enclosure comprising semicircular hoop portions and cross bars (Zarola #30 and 72); flexible netting (Zarola Col. 4 line 37) material substantially covering the outer section of the enclosure; at least one door (Zarola #23); and a handle (Zarola #31 and 32); a fabric cover covering approximately one half of the length of the enclosure (Zarola Fig. 2 teaches the fabric cover covering at least one half of the length and Zarola is adjustable so at times it inherently will be covering half of the length), the fabric cover being coupled to at least two frame components (Zarola Fig. 2 #28 and 30). It would have been obvious to one of ordinary skill in the art to further modify the teachings of Leader with the teachings of Zarola the time of the invention since the modification is merely the selection of an alternate pet traveling enclosure selected for its ability to expand and collapse.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,113,793 to Leader in view of U.S. Patent No. 5,335,618 to Zarola as applied to claims 20 and 21 above, and further in view of U.S. Patent No. 6,584,937 to Ludolph.

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Regarding Claim 20, Leader as modified teaches providing a grid pattern (i.e. the bars of the cage which are similar to the grid pattern of netting just a different mesh size) to enable the animal to see but to prevent it from getting out of the enclosure. Leader also teaches covering a portion of the grid pattern with a fabric to provide the animal with some shelter (Leader #2). Leader as modified by Zarola teaches an arched enclosure that is covered partly in fabric and partly in netting. For purpose of argument, it could also be viewed that Leader as modified by Zarola does not explicitly teach that the fabric covers one half of the length of the enclosure. However, Ludolph teaches that it is well-known to provide half of a moving animal enclosure with a fabric and the other half with netting. It would have been obvious to one of ordinary skill in the art to further modify the teachings of Leader and Zarola with the teachings of Ludolph at the time of the invention since the modification is merely the change in size (i.e. length) to provide adequate protection for different size animals from sun and rain (Ludolph Col. 3 line 60).

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

Examiner maintains that it would have been obvious to one of ordinary skill in the art to modify the teachings of Sanders with the teachings of Zarola since Zarola is merely a piece of luggage. It would have been obvious to modify the teachings of Zarola with the teachings of Mosier to provide the ergonomic ease of transporting. It is general knowledge available to one of ordinary skill in the art to place items on carts to successfully reduce the burden of having to carry the items. On of ordinary skill in the

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art would be motivated to modify the teachings of Zarola in combination with a cart structure to reduce the need to hold or carry the item, especially when a person is traveling and has to carry multiple items.

Zarola teaches that the device is good for traveling and that the device is collapsible, thus it is not impractical to combine Zarola with a cart/stroller. Sanders teaches all of the structural limitations of the stroller as claimed in claims 1, 20, and 21.

Claim 1 no longer has limitations regarding the tray, so applicants arguments on page 13, lines 4-5, are not applicable.

Applicant has not claimed the pet or that the pet is located inside the enclosure when the enclosure is located on the frame. Since this has not been claimed the claim language could read on any luggage cart or stroller or hand-cart with a collapsed enclosure or any bag that has netting on it or any piece of luggage with netting. Zarola teaches transporting animals in the enclosure (Zarola Col. 3 line 41-43), but since applicant doesn't claim the animal one of ordinary skill in the art could transport the enclosure of Zarola when Zarola is in a collapsed state on almost any cart and still meet the limitations of the claims. Also, pet stroller does not clearly mean that the pet is riding in the stroller. The Pet could be pushing the stroller or pulling the stroller or the stroller could be for carrying items that belong to the pet.

Leader was cited merely to teach that it is old and notoriously well-known to carry pet enclosure on wheeled carts/strollers to prevent the owner from getting tired by having to carry the animal or the enclosure and depending on the size of the pet the owner might not be able to carry the pet (Leader Col. 1 line 24-25). Leader was cited

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merely to teach that it is known to place a pet enclosure covered in fabric onto a stroller and the structural components of the stroller. Leader was modified by Zarola since Zarola merely teaches a structurally different pet enclosure. One of ordinary skill in the art would be motivated to modify the teachings of Leader with the teachings of Zarola since the modification is merely the selection of an alternate equivalent enclosure performing the same intended function.

Examiner maintains that applicant has not patentably distinguished over the teachings of the cited prior art. The examiner would also like to point out the structural features of the enclosure taught by U.S. Patent No. 5,277,148 not currently used in the rejection, but teaches many of the structural limitations of the enclosure presented in the independent claims (e.g. Fig. 4, 8, 9).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,715,446; U.S. Patent Des. 387,508; U.S. Patent No. 5,351,646; U.S. Patent No. US 2001/0029900; U.S. Patent Des. 376,773; U.S. Patent No. 6,899,057; U.S. Patent No. 3,156,213; U.S. Patent No. 2,170,379; U.S. Patent Des. 194,783; U.S. Patent No. 5,076,599; U.S. Patent No. 5,277,145.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea M. Valenti whose telephone number is 571-272-6895. The examiner can normally be reached on 7:00am-5:30pm M-Th.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 571-272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Andrea M. Valenti  
Patent Examiner  
Art Unit 3643

02 November 2005